

FEB 07 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

JOHN F. CORCORAN, CLERK
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LISA DOVEL, ET. AL.,

Plaintiffs,

v.

STEELE'S HOME
FOR ADULTS, INC.
AND THELMA M. STEELE

Defendants.

Civil Action No.: 5:05-CV-00046

MEMORANDUM OPINION
AND ORDER

By: Samuel G. Wilson
United States District Judge

This matter is before the court on a motion to dismiss Thelma M. Steele as a defendant. Steele is the president of defendant Steele's Home for Adults, Inc., and she claims that all her interactions with the plaintiffs occurred in her corporate capacity. Because she was acting on behalf of the corporation, Steele contends that she is not personally liable for any tortious acts of the corporation. "Corporate officers are 'personally liable for torts which they commit, participate in, or inspire, even though the acts are performed in the name of the corporation.'" In re Suter, 2005 WL 2989336, *2 (D. Md. 2005) (quoting Vuitch v. Furr, 482 A.2d 811, 821 (D.C. 1984)); see Tillman v. Wheaton-Haven Recreation Ass'n, Inc., 517 F.2d 1141, 1144 (4th Cir. 1975) (stating that "a director who actually votes for the commission of a tort is personally liable, even though the wrongful act is performed in the name of the corporation"). The plaintiffs allege that Steele is an officer of the corporate defendant and that she authorized and committed the tortious actions claimed. Thus, it appears to the court that Steele is not immune from personal liability, and it is hereby **ORDERED** and **ADJUDGED** that the defendant's motion is **DENIED**.

ENTER: This 7th day of February, 2006.


UNITED STATES DISTRICT JUDGE